



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO # 06-07

- ☒ Preproposal Statement of Inquiry was filed as WSR 06-11-024 ; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Washington State Electronic Product Recycling Program Chapter 173-900 WAC. Department of Ecology is proposing new rules to regulate electronic product recycling. These rules will implement ESSB 6428, passed by the 2006 legislature.

This rule making will occur in two phases. The first phase, proposed with this CR-102, will focus on the portions of the law related to registration of manufacturers, collectors, and transporters of electronic products; administrative fee structure; brand labeling; enforcement and penalties; and other related requirements.

This will be followed by a second phase that will address the remaining rules required by the law, such as more details on recycling plans; registration for processors of electronic products; requirements for manufacturers and retailers, collectors, transporters and plan implementers; and performance standards for processors, collectors, and transporters. It is the department's intention to develop these rules in a manner consistent with all agency regulatory rules such as, but not limited to, chapters 173-303 and 173-350, related to solid and hazardous waste and recycling.

Hearing location(s):

August 22, 2006 7:00 PM
Department of Ecology Vancouver Field Office Conference Room
2108 Grand Blvd, Vancouver, Washington

August 24, 2006 7:00 PM
Snohomish County PUD Electric Building Headquarters
Commissioners Meeting Room
2320 California Street
Everett, Washington

August 29, 2006 7:00PM
Spokane Regional Health District Auditorium
1101 W. College Ave Spokane, Washington

Submit written comments to:

Name: Jay Shepard
Address: Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
e-mail wa-recycles-electronics@ecy.wa.gov
fax (360)407-6102 by 5:00 PM Sept. 7, 2006

Date of intended adoption: October 25, 2006

(Note: This is NOT the effective date)

Assistance for persons with disabilities:

Contact: Michelle Payne
Voice: (360) 407-6109 TTY: (360) 407-6006

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

This rule making will propose a new chapter in the Washington Administrative Code to implement the Electronic Product Recycling Program created by the Legislature in 2006 (ESSB 6428). This rule making will focus on the portions of the law related to registration of manufacturers, collectors, and transporters of electronic products; administrative fee structure; brand labeling; enforcement and penalties; and other related requirements.

Reasons supporting proposal:

The proposed rule is the first step in implementing the new Electronic Product Recycling law, RCW 70.95N.

Statutory authority for adoption: Chapter 183, 2006 Laws PV, RCW 70.95N**Statute being implemented:** Chapter 183, 2006 Laws PV, RCW 70.95N**Is rule necessary because of a:**

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

DATE 7/19/2006

NAME (type or print)

Polly Zehm

SIGNATURE

TITLE

Deputy Director, Department of Ecology

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUL 19 2006

10:00

06-15-125

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: (person or organization) Department of Ecology

- ☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting.....	Jay Shepard	Olympia, WA	(360) 407-7040
Implementation.....	Cullen Stephenson	Olympia, WA	(360) 407-6103
Enforcement.....	Cullen Stephenson	Olympia, WA	(360) 407-6103

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☒ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Jay Shepard

Address: Department of Ecology

PO Box 47600

Olympia, WA

98504-7600

phone (360) 407-7040

fax (360) 407-6102

e-mail wa-recycles-electronics@ecy.wa.gov

☐ No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Jay Shepard

Address: Department of Ecology

PO Box 47600

Olympia, WA

98504-7600

phone (360) 407-7040

fax (360) 407-6102

e-mail wa-recycles-electronics@ecy.wa.gov

☐ No: Please explain: